

(Chapter VII.—Of the Duty on Timber and other Forest-produce.—Section 40. Chapter VIII.—Of the Control of Timber and other Forest-produce in Transit.—Section 41.)

any territory, are levied therein under the authority of the Local Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

Limit not to apply to purchase-money or royalty.

40. Nothing in this Chapter shall be deemed to limit the amount (if any) chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VIII.

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT.

Power to make rules to regulate transit of forest-produce.

41. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Local Government, and it may from time to time make rules to regulate the transit of all timber and other forest-produce.

¹ Such rules may (among other matters)—

- (a) prescribe the routes by which alone timber [² or other] forest-produce may be imported, exported

¹ For rules made under this section for—

- (1) Bombay, *see* list on p. lix of the Bombay List of Local Rules and Orders;
- (2) Central Provinces, *see* p. 25 of the Central Provinces List of Local Rules and Orders, Ed. 1896;
- (3) United Provinces, *see* North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894, p. 66.

For rules made by the Government of Bengal to regulate the transit of timber on the Gandak River, so far as it flows within the jurisdiction of that Government, *see* Calcutta Gazette, 1898, Pt. I, p. 141.

For rules made for the Sonthal Parganas as to the management of protected forests under this section in conjunction with s. 31, *see* Calcutta Gazette, 1901, Pt. I, p. 67.

For River rules for the Chittagong Hill Tracts, *see* Calcutta Gazette, 1881, Pt. I, p. 930; *ibid.* 1882, Pt. I, p. 667; *ibid.* 1885, Pt. I, p. 941; *ibid.* 1898, Pt. I, p. 886; *ibid.* 1901, Pt. I, p. 961.

² These words were substituted for the words “and other” by the Forest Act, 1890 (V of 1890), s. 8 (3), printed, General Acts, Vol. V.

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exported or moved, into, from or within, British India ;

- (b) prohibit the import and export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass ;
- (c) provide for the issue, production and return of such passes and for the payment of fees therefor ;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark ;
- (e) provide for the establishment and regulation of depôts to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it ; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such [¹depôts] ;
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches and leaves into any such river or any act which may cause such river to be closed or obstructed ;
- (g) provide for the prevention and removal of any obstruction

¹ " Depôts " was substituted for " dépôt " by the Repealing and Amending Act, 1891 (XII of 1891), General Acts, Vol. VI.

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obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

- (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber;
- (i) regulate the use of property-marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

[¹ The Local Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.]

Penalty for breach of rules made under section 41.

42. The Local Government may by such rules prescribe as penalties for the infringement thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Double penalties may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.

Government and Forest-officers not liable for

43. The Government shall not be responsible for any loss or damage which may occur in respect of any timber

¹ This paragraph was added by the Forest Act, 1890 (V of 1890), s. 8 (4), printed. General Acts. Vol. V.

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timber or other forest-produce while at a depôt established under a rule made under section 41, or while detained elsewhere for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

damage to forest-produce at depôt.

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depôt, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at depôt.

CHAPTER IX.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

45. All timber found adrift, beached, stranded or sunk;

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

all wood or timber bearing marks which have not been registered under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Local Government directs,¹ all unmarked wood and timber,

shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be

¹ For rules made under this section for—

- (1) Central Provinces, see Central Provinces List of Local Rules and Orders, Ed. 1896, p. 30;
- (2) United Provinces, see North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894, p. 66;
- (3) Punjab, see Punjab Gazette, 1902, Pt. I, p. 400.